

REMARKS

The Examiner has rejected claim 26 under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement. Specifically, the Examiner argues that "said operating both the engine and the starter motor has both the engine and the starter motor applying a positive torque to a final drive coupled to the engine." Applicants respectfully traverse the Examiner's allegations. However, to advance the present case to allowance, Applicants have amended claim 26, removing the quoted phrase and inserting instead: "said operating both the engine and the starter motor has both the engine and the starter motor providing mechanical power." The phrase "providing mechanical power" has support on p. 2, lines 30-32: "the inventive method has the starter motor continuing to operate even after the internal combustion engine has started running, thus providing mechanical power in parallel with the internal combustion engine." Although the Applicants traverse, Applicants have amended to use the phrase of the specification, namely "providing mechanical power."

The Examiner has rejected claim 26 under 35 U.S. C. 102(b) as being anticipated by Kaiser et al. (US 5,979,158). Applicants traverse the Examiner's assertion that Kaiser, et al. show "continuing to operate both the engine and the starter motor after fuel is provided to the engine." The Examiner alleges that Kaiser, et al. show such feature in col. 5, lines 29-34:

In the comparison example, the engine was driven with deactivated ignition and deactivated fuel injection also within 3 seconds to 1500 rpm and maintained at this speed for an additional 4 seconds where upon ignition and fuel injection were activated at the same time.

Nowhere in this passage is it stated that the starter motor continues to operate once the ignition and fuel injection are activated. Applicants argue that column 3, lines 56-61 of Kaiser, et al. describe that the starter motor is turned off as soon as fuel injection is started:

As soon as this point in time $t_4 = t_2 + t_v$ has been reached, at which point also the throttle valve flap has been opened to a predetermined start up opening angle K_d , fuel injection is activated. Then the engine operates under its own power and driving of the engine is terminated.

Clearly, the engine is not producing any power until the fuel injection is activated. As soon as the engine produces power, the engine operates under its own power and driving of the engine by the starter motor stops. Thus, according to Kaiser et al., either the engine is being driven by the starter motor or under its own power. Kaiser et al. fail to show Applicants' limitation of: "continuing to operate both the engine and the start motor after fuel is provided to the engine." Applicants respectfully request withdrawal of the rejection to claim 24.

Applicants request withdrawal of rejections to claims 25 and 29 and withdrawal of objections to claims 27, 28, 30, and 31 as these claims depend from now allowable claims.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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